

1 attention --

2 COMMISSIONER BURGESS: Let me ask you, Mr. Hill,
3 to use the microphone, please, sir.

4 MR. HILL: It may have already been brought to the
5 Commission's attention, but if it has not, I think it's
6 appropriate that I do at this time. Liz Fuccillo is not
7 with us. She is under panel c. on billing. She had a death
8 in the family and she was not able to be present.

9 In addition, there are two additional witnesses
10 that are not listed -- Alan Salzburg and he will be under
11 panel a. under general test management and pre-ordering,
12 ordering and provisioning. And the second additional person
13 is Henry King. Henry King is an IT individual, Alan
14 Salzburg, statistical p values.

15 COMMISSIONER BURGESS: And Mr. King will also be
16 under the first panel?

17 MR. HILL: Yes, sir.

18 COMMISSIONER BURGESS: Okay. With those noted
19 changes, we'll move forward.

20 MR. HILL: Thank you, Mr. Commissioner.

21 COMMISSIONER BURGESS: Let me ask -- you know,
22 we've got a pretty extensive list of parties here. I'm just
23 trying to establish an order for cross examination. All
24 parties, if you do have a copy of the appearance list, we'll
25 kind of proceed in that order for the order of cross

1 examining the witnesses.

2 So we'll begin with our first panel, which will be
3 the panel consisting of general test management, pre-
4 ordering, ordering and provisioning. I will first ask Mr.
5 Frey and Mr. Weeks, do you have any summary comments that
6 you would like to make -- presentation that you would like
7 to make to the Commission at this time regarding this first
8 panel?

9 WITNESS FREY: Certainly we're very pleased to be
10 here today to provide further clarification on our final
11 report. We've not prepared a formal summary. We came here
12 today with the intent solely of responding to questions and
13 providing further clarification.

14 I would like to point out that we did distribute
15 to all parties of record a small number of corrected pages
16 yesterday. If anyone has not received those, we do have
17 copies that are available through the KPMG team in the front
18 row.

19 And unless Mike has anything else to add, --

20 COMMISSIONER BURGESS: Thank you.

21 I also would like for the staff to have a copy of
22 the report with the corrected pages introduced into the
23 record. So if staff would get a copy of the report and have
24 that to offer as a part of the record in this case, that'd
25 be appreciated.

1 At this time, we'll proceed with cross examination
2 of the witnesses. Once again, I've told you how we're going
3 to proceed and at this time I would call on AT&T
4 Communications.

5 MR. BARBER: Thank you, Mr. Chairman. My name is
6 Tim Barber, here on behalf of AT&T. Ms. Azorsky and I will
7 be conducting cross examination of this first panel.

8 Good morning, Mr. Weeks and Mr. Frey.

9 WITNESS FREY: Good morning.

10 CROSS EXAMINATION

11 BY MR. BARBER:

12 Q Do the two of you have a copy of the test report
13 there in the -- I guess we'll call that a witness box -- the
14 holding pen there?

15 A (Witness Frey) Yes, we do.

16 A (Witness Weeks) Yes.

17 Q Okay, good. Mr. Weeks, there's a cover letter to
18 that report. Does that cover letter have your signature on

19 A (Witness Weeks) The cover letter is missing from
20 our copy of the report.

21 Q Are you aware that the report was submitted to the
22 Commission with a cover letter signed by you?

23 A (Witness Weeks) Yes, that is correct.

24 Q And you've recently had occasion to review that
25 cover letter?

1 A (Witness Weeks) I reviewed that during
2 depositions last week.

3 Q Are you the person at KPMG primarily responsible
4 for the conclusions contained in the report?

5 A (Witness Weeks) I am.

6 Q The cover letter that you submitted with the
7 report summarizes those conclusions, is that correct?

8 A (Witness Weeks) It does.

9 Q Was a draft of this report sent to BellSouth prior
10 to it being finalized and submitted to the Commission?

11 A (Witness Weeks) As I testified last week, I don't
12 recall whether it --

13 CHAIRMAN McDONALD: You're going to have to talk
14 into that mic if you want me to hear.

15 WITNESS WEEKS: Sorry, Commissioner.

16 CHAIRMAN McDONALD: Thank you.

17 WITNESS WEEKS: As I testified last week, I have
18 no recollection of whether drafts were submitted or not.

19 BY MR. BARBER:

20 Q Do you know whether a draft of the report was sent
21 to BellSouth for comment before it was finalized?

22 A (Witness Weeks) The report or the cover letter?

23 Q The draft of the report itself.

24 A (Witness Weeks) Excuse me; yes, the report was
25 sent, drafts were sent.

1 Q And did BellSouth suggest any changes be made in
2 the report?

3 A (Witness Weeks) We asked BellSouth to comment on
4 factual inaccuracies. They fed back to us things that they
5 believed needed to be corrected, yes.

6 Q And were those changes made?

7 A (Witness Weeks) I couldn't comment on whether
8 they were made or not.

9 Q Do you know whether a draft of the report was sent
10 to any CLECs before it was submitted to the Commission?

11 A (Witness Weeks) Not to my knowledge.

12 Q Do you know whether KPMG kept in its files the
13 drafts of the report?

14 A (Witness Weeks) We would not, that would be
15 against our policy.

16 Q Your policy in fact is to destroy all drafts, is
17 that correct?

18 A (Witness Weeks) Upon submission of either the
19 next draft or the final report, yes.

20 Q So that the drafts of this report are no longer in
21 existence?

22 A (Witness Weeks) In our files.

23 Q Would it be correct that the drafts of -- to the
24 extent that they exist -- of your cover letter are also not
25 in existence?

1 A (Witness Weeks) That is correct.

2 Q Is it correct that your overall testing of
3 BellSouth's OSS in Georgia is not yet complete?

4 A (Witness Weeks) There is a section left on
5 testing some of the metrics.

6 Q Could the metrics results cause KPMG to change the
7 conclusions changed in the report?

8 A (Witness Weeks) Only for those sections that have
9 to do with metrics.

10 Q And in that case, it could cause changes in the
11 ultimate conclusions you've reached?

12 A (Witness Weeks) For metrics.

13 Q If you turn to the section of the report entitled
14 Document Control.

15 A (Witness Weeks) Yes.

16 Q Page Roman Numeral II -- I'm sorry Roman Numeral
17 I-2. Do you have that in front of you, Mr. Weeks?

18 A (Witness Weeks) No, I do not.

19 Q It's entitled Statement of Limiting Conditions.

20 A (Witness Weeks) I see that.

21 Q The fourth full paragraph begins, "The original
22 master test plan (MTP) governing much of the testing work at
23 BellSouth-Georgia was not authored or developed by KCI."
24 That reference to KCI is to KPMG, correct?

25 A (Witness Weeks) KPMG Consulting -- at the time

1 KPMG Consulting, Inc.

2 Q The report goes on to state, "On September 9,
3 1999, KCI inherited an MTP and certain associated work in
4 progress that had been performed by two third parties.
5 Therefore, KCI makes no representations or warranties as to
6 the contents of this MTP or of the testing work that had
7 been done prior to September 9, 1999."

8 Was that included -- first of all, did I read that
9 correctly?

10 A (Witness Weeks) I believe you did.

11 Q Was that included in this report because you
12 wanted it clear that KPMG was not the author of the master
13 test plan?

14 A (Witness Weeks) That is correct.

15 Q If you'll turn over to the section entitled
16 Evaluation Review.

17 A (Witness Weeks) Evaluation Overview?

18 Q Yes, sir. Roman Numeral II-3.

19 A (Witness Weeks) Okay.

20 Q Does this paragraph again discuss your assumption
21 of responsibilities after the testing had begun?

22 A (Witness Weeks) Which paragraph would that be?

23 Q About four paragraphs down, beginning "On
24 September 9, 1999."

25 A (Witness Weeks) That's a similar paragraph, yes.

1 Q And in that paragraph, it states, "KCI agreed to
2 assume responsibility for execution of the tests stipulated
3 in the MTP but not for the design of the MTP itself." Do
4 you see that language?

5 A (Witness Weeks) Yes, I do.

6 Q Was that again intended to make clear that KPMG
7 was simply executing a plan that had been designed by
8 others?

9 A (Witness Weeks) That's correct.

10 Q KPMG has been involved in third party tests of OSS
11 in a number of other states, have they not?

12 A (Witness Weeks) Yes, we have.

13 Q Are there any other states in which KPMG played no
14 role in the design of the third party tests?

15 A (Witness Weeks) Not that I'm aware of.

16 Q Would you turn to the section in the report on
17 pre-ordering?

18 A (Witness Weeks) I'm there.

19 Q First of all, let me ask you some questions about
20 how the test results were catalogued throughout this test.
21 It's correct that you tested over 1100 separate test points,
22 correct?

23 A (Witness Weeks) I believe that's an approximately
24 correct number.

25 Q I may put this in layman's terms, but is it

1 correct that essentially those are 1100+ separate, distinct
2 steps in the overall process of the OSS?

3 A (Witness Weeks) I think they would be 1100
4 separate evaluation criteria, some of them were related by
5 theme or topic. So there are inter-relations between them,
6 but they were all separately evaluated as to whether they
7 were satisfied or not satisfied.

8 Q When you say they were separately evaluated, does
9 that mean they were not evaluated end-to-end? In other
10 words, the entire process from start to finish was not
11 evaluated?

12 A (Witness Weeks) No, it would not mean that.

13 Q Did you perform end-to-end testing in Georgia?

14 A (Witness Weeks) In some places, in some cases,
15 yes.

16 Q With regard to the 1100+ separate test points, did
17 you establish benchmarks for each of those test points?

18 A (Witness Weeks) There were three different
19 categories of benchmarks or standards that were used during
20 the evaluations.

21 Q Could you explain to us the three different
22 standards you're referring to?

23 A (Witness Weeks) Yes. When there was a clearly
24 defined SQM quality measure that the Georgia Public Service
25 Commission had directed that we use during the course of the

1 test, we would attempt to use that first. If no such
2 standard existed, then we would attempt to see if BellSouth
3 had published some interval or guideline that they used with
4 commercial parties to communicate what commercial parties
5 could normally expect in the normal course of business, and
6 if there were neither of those, then KPMG Consulting would
7 establish a standard or a benchmark based upon our
8 professional opinion, professional judgment.

9 Q How did you then use each of those benchmarks?

10 A (Witness Weeks) The general method would be to
11 perform the test in question, gather the facts as to the
12 company's performance or what we observed during the course
13 of that particular evaluation. We would compare the
14 company's performance to each of the appropriate standards.
15 We would determine whether there was an initial pass or
16 fail, satisfied or not satisfied based upon that, and then
17 we would also look at the answer that came out of that
18 initial evaluation to see if it made business sense in our
19 professional opinion.

20 Q Would you turn to -- again in the Evaluation
21 section -- Roman Numeral II-8 and 9.

22 A (Witness Weeks) II-8.

23 Q The section on II-8 and II-9, does that describe
24 the evaluation criteria you've just described for us?

25 A (Witness Weeks) If you'll give me a moment, I'll

1 look.

2 (Brief pause.)

3 A (Witness Weeks) Yes, I believe that it summarizes
4 that approach.

5 Q And as you completed each of these tests, were
6 they each assigned to one of four categories which are set
7 forth on page II-9?

8 A (Witness Weeks) Yes.

9 Q And those are satisfied, meaning it's met the
10 benchmark; not satisfied; no result determination made and
11 not complete. Are those the four categories?

12 A (Witness Weeks) Those are the four categories,
13 yes.

14 Q Throughout the course of its testing, if KPMG
15 encountered a test in which BellSouth failed to meet the
16 benchmark, was further analysis done to determine whether
17 the deficiency was statistically significant?

18 A (Witness Weeks) In some cases.

19 Q Would that have been the next step in some cases?

20 A (Witness Weeks) In some cases.

21 Q And if in fact it was significant, it would be
22 assigned to one of the other three categories?

23 A (Witness Weeks) It would be initially assigned a
24 value based upon one of the categories, yes.

25 Q By the way, these categories, the four categories

1 we've talked about -- satisfied, not satisfied, no result
2 determination made and not complete. Were those established
3 prior to actually beginning the testing?

4 A (Witness Weeks) Yes.

5 Q So those were established at a time when you
6 didn't know whether BellSouth would pass or fail any
7 particular test.

8 A (Witness Weeks) That's correct.

9 Q In the area of ordering and provisioning, there
10 were three tests in fact that BellSouth did not satisfy, is
11 that correct?

12 A (Witness Weeks) I would have to refresh my memory
13 from looking at the report.

14 Q If you'll refer to your cover letter where you
15 summarize your conclusions, I think --

16 A (Witness Weeks) I don't have the cover letter, as
17 I previously stated.

18 Q Let me hand you the cover letter.

19 A (Witness Weeks) Okay.

20 Q On page 2 of the cover letter -- I'm going to pass
21 two of the copies up, we actually have a third one that's
22 sort of marked up. I believe it should be included with the
23 copy the Commission received.

24 Mr. Weeks, you now have a copy of the cover letter
25 with you?

1 A (Witness Weeks) Yes, I do.

2 Q On page 2 of the cover letter, does that indicate
3 the three tests in the area of ordering and provisioning
4 that were not satisfied by BellSouth?

5 A (Witness Weeks) I see that paragraph.

6 Q And as we sit here today, they've still not
7 satisfied the criteria in those three areas, is that
8 correct?

9 A (Witness Weeks) We have stopped testing, so we
10 have done no work that would establish whether they're
11 currently meeting those or not.

12 Q Is it your opinion that these three areas -- the
13 problems in these three areas -- could have a materially
14 adverse impact on a CLEC's ability to compete effectively
15 using BellSouth's OSS?

16 A (Witness Weeks) They could potentially have, as
17 it says in that paragraph.

18 Q Were there other tests in the pre-ordering or
19 ordering and provisioning sections in which BellSouth's
20 performance failed to meet the benchmark but KPMG gave them
21 a satisfied mark anyway?

22 A (Witness Weeks) Yes, I believe there are
23 instances of that.

24 Q If you will look at the pre-ordering section.

25 A (Witness Weeks) Okay.

1 Q Pre-order test 1-3-3. If I may, I have a blowup
2 of that particular test result.

3 All I've got here is a reproduction at this point
4 on certain areas, along with a footnote. Do you have that
5 in front of you, Mr. Weeks?

6 A (Witness Weeks) Yes, I do.

7 Q And this test had to do with the timely pre-order
8 response received from BellSouth; is that correct?

9 A (Witness Weeks) That's correct.

10 Q In this case, the standard -- you referred to
11 three separate standards. In this case, the standard had
12 been set by this Commission; correct?

13 A (Witness Weeks) That is correct.

14 Q And the standard was retail parity?

15 A (Witness Weeks) Parity with retail.

16 Q All right.

17 A (Witness Weeks) Slightly different. Yes.

18 Q I'll take your word for that. Does that
19 essentially mean that BellSouth needs to show in this test
20 that it responds as quickly to a CLEC's inquiries as it does
21 to its own retail inquiries?

22 A (Witness Weeks) The general definition of parity
23 with retail would be that there was similarity of operation
24 or performance of the systems for the retail operations as
25 compared to the wholesale operations.

1 Q And in this case, the response time in the retail
2 operations was determined to be half a second, which you
3 have listed under the "Comments" section.

4 A (Witness Weeks) The retail performance observed
5 for the period was half of a second; yes.

6 Q And that is indicated up there on the exhibit on
7 the "Comment" section; correct?

8 A (Witness Weeks) It's in the first paragraph of
9 the "Comment" section; correct.

10 Q All right. When KPMG first ran this test, the
11 test results were actually ten-and-a-half seconds; is that
12 correct?

13 A (Witness Weeks) That's correct. Our initial test
14 yielded an average for wholesale of 10.5 seconds.

15 Q So there was a -- an upgrade performed by
16 BellSouth; is that true?

17 A (Witness Weeks) Yes, there was.

18 Q All right. And then a retest?

19 A (Witness Weeks) That's correct.

20 Q And the results of the retest showed a response
21 time of 1.0 seconds?

22 A (Witness Weeks) That was the average for that;
23 yes.

24 Q And that is actually double the response time --
25 benchmark response time; right?

1 A (Witness Weeks) That's double retail; yes.

2 Q All right. And if you look at Footnote 17,
3 Footnote 17, that result was deemed -- that difference was
4 deemed "statistically significant" by KPMG; right?

5 A (Witness Weeks) That's correct.

6 Q Nevertheless, KPMG rated that test as "satisfied"
7 by this result?

8 A (Witness Weeks) That's correct.

9 Q So in this test you had a standard that had been
10 set by this Commission, and BellSouth had failed to meet the
11 benchmark; correct?

12 A (Witness Weeks) That's correct in this case.

13 Q And that failure was deemed to be "statistically
14 significant" by KPMG?

15 A (Witness Weeks) The differences between the two
16 numbers are statistically significant, not the conclusion.

17 Q And, in fact, had you stopped at that point, if
18 you simply came up with your result based on that, had you
19 applied the standard of SQM set by the Commission, the
20 result of this would have been "not satisfied"; is that
21 correct?

22 A (Witness Weeks) That's correct. If we stopped at
23 comparing the benchmark to the achieved results, and
24 applying the difference in analyzing whether it was
25 statistically significant, we would have given it a

1 technical "not satisfied."

2 Q But KPMG passed it anyway, based on its
3 professional judgment that the response time, though slower
4 than the benchmark, was within a reasonable time frame; is
5 that accurate?

6 A (Witness Weeks) That's correct. We believe that
7 one second was more than reasonable.

8 Q In developing that professional judgment, did
9 anyone -- did you talk with others within KPMG?

10 A (Witness Weeks) Yes, we did.

11 Q And I'm assuming that would include the people
12 lined up behind you in there?

13 A (Witness Weeks) And others, as well.

14 Q All right. Did you do any independent research?

15 A (Witness Weeks) No.

16 Q Did you consider any additional information beyond
17 what's contained on that blowup right there?

18 A (Witness Weeks) Experience that we had seen in
19 other jurisdictions performing other 271 tests.

20 Q But in terms of any additional information
21 regarding this test, you considered nothing beyond what is
22 actually listed on that log; correct?

23 A (Witness Weeks) That's correct. The facts that
24 were input to the decision were the facts that are listed on
25 the page.

1 Q Did you confer with any CLECs or seek their input
2 in any manner as to whether or not this would cause them a
3 problem?

4 A (Witness Weeks) No.

5 Q Did you seek the guidance of the Commission on
6 what to do, since it hadn't met the benchmark?

7 A (Witness Weeks) No.

8 Q Did you keep any notes of the deliberations you
9 had with the various people on that test?

10 A (Witness Weeks) No, we did not.

11 Q And this is not an instance, by the way, where the
12 notes were destroyed. This is an instance where no notes
13 were created; correct?

14 A (Witness Weeks) I'm not aware of any notes. I
15 certainly didn't create any.

16 Q In other words, it was -- the professional
17 judgment was arrived at just through conversations with
18 people on the team?

19 A (Witness Weeks) That's my recollection.

20 Q Are you aware that there are 19 other tests in the
21 pre-ordering and ordering sections in which BellSouth failed
22 to meet a benchmark by a statistically significant margin,
23 yet was passed because the deficiency was found to be,
24 quote, "within a reasonable time frame" in KPMG's
25 professional judgment?

1 A (Witness Weeks) I would have to count, but I will
2 take counselor's representation that that's accurate.

3 Q Thank you. Were there also tests in these areas
4 in which KPMG didn't have enough information to prepare a
5 valid benchmark against which to test BellSouth's
6 performance?

7 A (Witness Weeks) I'm sorry, I missed that
8 question. Would you ask it again, please.

9 Q Were there other tests in the pre-ordering and
10 ordering sections in which KPMG did not have enough
11 information to give it a valid benchmark against which to
12 test BellSouth's performance?

13 A (Witness Weeks) Yes.

14 Q For instance, if you will turn to test 1-3-6 in
15 pre-ordering, or 7, or 9, or 4-3-6, 4-3-7. Have you got one
16 of those in front of you?

17 A (Witness Weeks) I'm looking at 1-3-6.

18 Q Is that a situation where you're trying to compare
19 BellSouth's performance to a benchmark, you really didn't
20 have an apples and apples comparison you could make?

21 A (Witness Weeks) There are certain circumstances
22 for which there's no direct retail analog, for example.

23 Q Are you looking at -- which test are you looking
24 at?

25 A (Witness Weeks) You asked me a general question,

1 so I gave you a general answer.

2 Q All right. If you would look at the pre-ordering
3 test 1-3-1. I'm sorry, 1-3-6. Do you have that in front of
4 you?

5 A (Witness Weeks) I have 1-3-6; yes.

6 Q And if you'd look at Footnote 21, it states that,
7 "BellSouth retail analog data on responses from Atlas-MLH is
8 not currently available." Is this a situation in which you
9 didn't really have an apples to apples comparison you could
10 make?

11 A (Witness Weeks) I believe this is a case of where
12 the retail -- there's no retail electronic system that was
13 in operation at the time, and the retail operation was
14 manual, so this was not an apples to apples; it was an
15 electronic to a manual.

16 Q In fact, BellSouth's operations use a manual
17 process for this. The test used an electronic process. So
18 you really didn't have results you could compare against?

19 A (Witness Weeks) That's correct.

20 Q Why did you not -- and yet you rated this test
21 "satisfied"; correct?

22 A (Witness Weeks) Yes, it's marked as "satisfied."

23 Q Why did you not rate this test "no result, no
24 determination made," if you couldn't make a meaningful
25 comparison between the two?

1 A (Witness Weeks) Well, the evaluation criteria
2 says -- provides timely response. It doesn't require that
3 we apply a standard that is parity with retail.

4 Q So KPMG in this case, even though it could not
5 make that comparison, deemed it "satisfied" based on its
6 professional judgment; correct?

7 A (Witness Weeks) Yes, based on the facts that we
8 saw and our -- the application of our professional judgment.

9 Q In reaching this decision, based on your
10 professional judgment, was the process in coming to that
11 judgment similar to the process you described in the
12 previous test?

13 A (Witness Weeks) Yes, in all cases where we
14 applied professional judgment, the pattern was to look at
15 the actual company's performance, attempt to discover the
16 benchmarks, discuss amongst ourselves what we had seen in
17 other jurisdictions and in other tests, and make a
18 professional judgment. And then to put the facts in the
19 "Comments" section so that if others chose to form a
20 different conclusion using the same facts, they had the
21 information with which to do that.

22 Q I want to make sure I understand that last answer.
23 In each of the test results in which the result is based on
24 an exercise of professional judgment by KPMG, the process
25 you went through in coming to that judgment was similar to

1 what you've described?

2 A (Witness Weeks) That's correct.

3 Q In other words, no independent research was done;
4 correct?

5 A (Witness Weeks) If by "independent," did we
6 commission some body independent of ourselves to do
7 research, no, we never did that, to my recollection.

8 Q And you didn't seek input from any CLECs or from
9 the Commission for a...

10 A (Witness Weeks) I'm sure we sought the input of
11 the Commission from time to time, but we wouldn't formally
12 ask the CLECs for input. We have a number of folks that are
13 on our team that have many, many, many years of CLEC and
14 ILEC experience, so that's the way in which we gathered
15 industry input and information.

16 Q And in any of these test results in which the
17 result is based on an application of KPMG's professional
18 judgment, you did not keep notes of those conversations; is
19 that correct?

20 A (Witness Weeks) That's correct.

21 COMMISSIONER BURGESS: Let me ask a question. Was
22 the same process utilized in the other third-party tests
23 that you conducted in the other states?

24 WITNESS WEEKS: Yes, that's consistent with the
25 way we've done all of our testing in all the jurisdictions.

1 COMMISSIONER BURGESS: And there were some cases
2 where you utilized professional judgment in the New York
3 tests and...

4 WITNESS WEEKS: That's correct.

5 COMMISSIONER BURGESS: ...other states?

6 WITNESS WEEKS: That is correct.

7 BY MR. BARBER:

8 Q Continuing along this line of using your
9 professional judgment, were there other tests in the pre-
10 ordering section in which the statistical evidence was not
11 strong enough to deem it "flunked," and it was issued a
12 "satisfied"? You may object to the use of that word, but...

13 A (Witness Weeks) The answer is yes.

14 Q All right. Would you turn to test 1-3-1. I'm
15 sorry, it's -- the one I've got the blowup for is in the
16 ordering in front, it's in the OMP section, 1-3-4.

17 A (Witness Weeks) I'm sorry? 1 dash...

18 Q 1-3-4.

19 A (Witness Weeks) ...4.

20 Q Actually this test is -- this is an example of one
21 where you had a "no result" determination made.

22 A (Witness Weeks) OMP. Okay. All right, I'm on 1-
23 3-4. And, I'm sorry, could you repeat the question. It
24 was: Is this an example of...

25 Q Let me go ahead. If you would, let me slow down

1 and show you -- I'm going to first ask you about OMP 2-3 on
2 Page 2-A. It is on page Roman numeral V-B-12.

3 A (Witness Weeks) V-B?

4 Q 12.

5 MR. HILL: Mr. Commissioner, I have an objection.

6 COMMISSIONER BURGESS: Would you use the
7 microphone, please, Mr. Hill.

8 MR. HILL: Your Honor, I do have an objection to
9 the board. It's an abbreviated rendition of the -- of the
10 graph that's located on Roman numeral V-B-12.

11 MR. BARBER: Mr. Chairman, what we have done is --
12 what they have taken out of a portion of the "Comments"
13 section doesn't relate to what I'm going to ask him. He
14 will have the full -- all the entire "Comments" section in
15 front of him. But that's not really germane to the question
16 I'm going to ask you about.

17 COMMISSIONER BURGESS: Well, just for the record,
18 if you will, cite what section it is, so that the record
19 will reflect that. If we need to go back and take a look,
20 we've got the whole section in front of us.

21 BY MR. BARBER:

22 Q Mr. Weeks, I've got a blowup of a portion of the
23 comments on OMP Test 2-3-2A. Have you got that in front of
24 you?

25 A (Witness Weeks) Yes.

1 Q The portion that is not on the blowup begins after
2 the first dash line, "in less than one hour," you see that?

3 A (Witness Weeks) Starts "KCI initiated"?

4 Q Yes, sir. So the language that is omitted is --
5 in the middle there, "KCI initiated an initial retest of
6 error response timeliness on August 25th, 2000. This retest
7 was designed to evaluate the effects of process improvement
8 implemented in BOS ordering centers. LSR submitted during
9 the first retest received FM errors within the following
10 time frames," paren, "(see Table Roman numeral V-2.6) 67
11 percent of FM errors were received in less than one hour.
12 An additional 13 percent were received within one to two
13 hours."

14 Now, is that the portion that's omitted from that
15 blowup?

16 A (Witness Weeks) It is.

17 Q All right. I believe I had asked you if there
18 were other tests in which, based on the statistical
19 evidence, you deemed a test passed; is that correct?

20 MR. HILL: I have an objection. That's not -- I
21 have an objection. That's not all that's admitted from
22 this -- omitted from this blowup.

23 COMMISSIONER BURGESS: I've said previously that
24 the record -- he's cited in the record what section we're
25 talking about. There'll be a complete report filed as a